

No. 89-243-CFX  
Status: GRANTED

Title: Eli Lilly and Company, Petitioner  
v.  
Medtronic, Inc.

Docketed:  
August 11, 1989

Court: United States Court of Appeals for  
the Federal Circuit

Counsel for petitioner: Malloy, Timothy J.

Counsel for respondent: Johnson, Philip S., Kauffman, George,  
Lynch, John F.

| Entry | Date        | Note | Proceedings and Orders  |
|-------|-------------|------|---|
| 2     | Jul 21 1989 | D    | Application (A89-62) to recall and stay pending the timely filing and disposition of a petition for a writ of certiorari, submitted to Justice White. |
| 4     | Jul 21 1989 |      | Lodging received. (Lodging filed with application for stay).  |
| 3     | Jul 24 1989 |      | Application (A89-62) denied by Justice White.   |
| 1     | Aug 11 1989 | G    | Petition for writ of certiorari filed.  |
| 5     | Sep 1 1989  | G    | Motion of Proctor and Gamble for leave to file a brief as amicus curiae filed.  |
| 6     | Sep 11 1989 | G    | Motion of Senator Orrin G. Hatch, et al. for leave to file a brief as amici curiae filed.   |
| 7     | Sep 11 1989 |      | Brief of respondent Medtronic, Inc. in opposition filed.  |
| 8     | Sep 11 1989 | G    | Motion of American Sterilizer Company for leave to file a brief as amicus curiae filed.   |
| 9     | Sep 11 1989 | G    | Motion of Intellectual Property Owners, Inc. for leave to file a brief as amicus curiae filed.  |
| 10    | Sep 11 1989 | G    | Motion of Zimmer, Inc., et al. for leave to file a brief as amici curiae filed.   |
| 11    | Sep 11 1989 | G    | Motion of Pfizer Hospital Products Group, Inc., et al. for leave to file a brief as amici curiae filed.   |
| 12    | Sep 13 1989 |      | DISTRIBUTED. October 6, 1989  |
| 13    | Sep 19 1989 | X    | Reply brief of petitioner Eli Lilly and Co. filed.  |
| 14    | Sep 30 1989 |      | Opposition of respondent to motion of Intellectual Property Owners, Inc. for leave to file a brief as amicus curiae filed.                            |
| 15    | Sep 30 1989 |      | Opposition of respondent to motion of Senator Orrin G. Hatch, et al. for leave to file a brief as amici curiae filed.                                 |
| 16    | Oct 3 1989  |      | Opposition of respondent to motion of Pfizer Hospital Products, et al. for leave to file a brief as amici curiae filed.                               |
| 17    | Oct 10 1989 |      | Motion of Proctor and Gamble for leave to file a brief as amicus curiae GRANTED. Justice O'Connor OUT.  |
| 18    | Oct 10 1989 |      | Motion of Senator Orrin G. Hatch, et al. for leave to file a brief as amici curiae GRANTED. Justice O'Connor OUT.                                     |
| 19    | Oct 10 1989 |      | Motion of American Sterilizer Company for leave to file a brief as amicus curiae GRANTED. Justice O'Connor OUT.                                       |
| 20    | Oct 10 1989 |      | Motion of Intellectual Property Owners, Inc. for leave to file a brief as amicus curiae GRANTED. Justice O'Connor OUT.                                |

| Entry | Date        | Note | Proceedings and Orders  |
|-------|-------------|------|---|
| 21    | Oct 10 1989 |      | Motion of Zimmer, Inc., et al. for leave to file a brief as amici curiae GRANTED. Justice O'Connor OUT.                         |
| 22    | Oct 10 1989 |      | Motion of Pfizer Hospital Products Group, Inc., et al. for leave to file a brief as amici curiae GRANTED. Justice O'Connor OUT. |
| 23    | Oct 10 1989 |      | Petition GRANTED. Justice O'Connor OUT.<br>*****  |
| 24    | Oct 20 1989 | C    | Application (A89-62) refiled and submitted to The Chief Justice.  |
| 27    | Oct 20 1989 |      | Record filed.   |
| 25    | Oct 23 1989 | *    | Certified copy of original record received.   |
| 26    | Oct 23 1989 |      | Application (A89-62) referred to the Court by the Chief Justice.  |
| 29    | Oct 24 1989 |      | (A89-62) OCTOBER 27, 1989 CONFERENCE  |
| 30    | Oct 30 1989 |      | (A89-62) Response to the application requested by the Court, due October 31, 1989.  |
| 31    | Oct 31 1989 |      | (A89-62) NOVEMBER 3, 1989 CONFERENCE.   |
| 32    | Nov 2 1989  |      | (A89-62) Opposition of respondent to petitioner's reapplication filed.  |
| 33    | Nov 6 1989  |      | (A89-62) Reply of petitioner in support of reapplication filed.   |
| 34    | Nov 6 1989  |      | Application (A89-62) denied by the Court.   |
| 41    | Nov 21 1989 |      | (A89-62) Justice O'Connor OUT.  |
| 35    | Nov 22 1989 |      | Brief amicus curiae of Procter & Gamble Company filed.  |
| 36    | Nov 22 1989 |      | Brief of petitioner Eli Lilly and Co. filed.  |
| 37    | Nov 22 1989 |      | Brief amici curiae of Zimmer, Inc., et al. filed.   |
| 38    | Nov 22 1989 |      | Brief amicus curiae of Industrial Biotechnology filed.  |
| 40    | Nov 22 1989 |      | Brief amicus curiae of Intellectual Property Owners, Inc. filed.  |
| 39    | Nov 24 1989 |      | Joint appendix filed.   |
| 42    | Nov 24 1989 |      | Brief amici curiae of Pfizer Hospital Products, et al. filed.   |
| 43    | Nov 24 1989 | G    | Record filed.   |
| 44    | Dec 11 1989 |      | Certified copy of original record, 2 boxes, received.   |
| 46    | Dec 18 1989 |      | Motion of Neuromedical Technologies, Inc. for leave to file a brief as amici curiae filed.                                      |
| 48    | Dec 21 1989 |      | Motion of Neuromedical Technologies, Inc. for leave to file a brief as amici curiae GRANTED. Justice O'Connor OUT.              |
| 47    | Dec 27 1989 |      | Order extending time to file response to petition until January 5, 1990.  |
| 49    | Jan 2 1990  |      | Brief amicus curiae of Dr. Gust H. Bardy filed.   |
| 50    | Jan 2 1990  |      | Brief amicus curiae of Ventritex, Inc. filed.   |
| 51    | Jan 3 1990  |      | Brief amicus curiae of Paralyzed Veterans of America filed.   |
| 52    | Jan 5 1990  |      | Brief amicus curiae of Dr. Denton Cooley filed.   |
| 53    | Jan 5 1990  |      | Brief amicus curiae of Teletronics, Inc. filed.   |
| 54    | Jan 5 1990  |      | Brief amici curiae of University of Minnesota, et al. filed.  |
| 55    | Jan 5 1990  |      | Brief amicus curiae of Cook Goup Incorporated filed.  |
| 56    | Jan 5 1990  |      | Brief amicus curiae of Carbon Implants Incorporated filed.  |
|       |             |      | Brief amici curiae of Pennsylvania, et al. filed.   |
|       |             |      | Brief of respondent Medtronic, Inc. filed.  |

| Entry | Date        | Note | Proceedings and Orders  |
|-------|-------------|------|---|
| 57    | Jan 5 1990  |      | Brief amicus curiae of American Assn. of Retired Persons filed. |
| 58    | Jan 5 1990  |      | SET FOR ARGUMENT MONDAY, FEBRUARY 26, 1990. (4TH CASE)          |
| 61    | Jan 5 1990  |      | Brief amicus curiae of Intermedics, Inc. filed.                 |
| 59    | Jan 17 1990 |      | CIRCULATED.   |
| 60    | Feb 2 1990  | X    | Reply brief of petitioner Eli Lilly and Co. filed.              |
| 62    | Feb 26 1990 |      | ARGUED.   |